

Appln. No. 10/655,175

Attorney Docket No. 10541-1841

**II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-19 remain pending.

***Allowable Subject Matter***

The undersigned acknowledges the examiner's indication of the allowance of claims 15-18 and 20.

The undersigned also acknowledges the examiner's indication of the allowability of claims 5-7, 10-12 and 14 if rewritten into independent form so as to include all of the limitations of any base and intervening claims. In view of the indication of allowability, claims 5 and 14 have been rewritten into independent form. Since a dependent claim inherently includes all of the limitation of its base and intervening claims, it is submitted that the rewriting of claims 5 and 14 are non-narrowing amendments and that the doctrine of prosecution history estoppel does not apply.

In view of the above, it is submitted that these claims are allowable and such action is requested.

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*Claim Rejections - 35 U.S.C. § 112*

Claims 2, 4, 8-9,13 and 19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the basis that they fail to particularly point out and distinctly claim the subject matter.

Regarding claims 2, 4, 13 and 19, the examiner noted a discrepancy in the claims because a "singular member" cannot comprise a "plurality of the same member". Claims 1, 2, 4, 13 and 19 have been amended as suggested by the examiner. After further review of the claims, it is also believed that various additional claims were also in need of similar amendments and such amendments have been made.

Regarding claims 8 and 9, the examiner indicated the recitation of "said slot" made the claims unclear. Claims 8 and 9 have been amended to indicate that the slot referred to therein is the one for tuning the rigidity of the bracket. In claims 8 and 9 the slot is therefore referred to as a "tuning slot".

In view of the above amendments, it is believed that the rejections under § 112 are now moot and should be withdrawn.

*Claim Rejections - 35 U.S.C. § 102(b)*

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,296,277, to Bittinger et al. ("Bittinger"). Applicant respectfully traverses these rejections.

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Applicants respectfully disagree with the examiner's characterization of Bittinger. It is believed that the mischaracterization of this reference is a result of the misidentification of element 18 in Bittinger. The examiner refers to element 18 as an airbag module. A careful reading of Bittinger will reveal that element 18 is an extrusion housing that is welded to two end caps 16. (See column 2, approximately lines 43-45.) It is respectfully submitted that these features, end caps 16 and extrusion housing 18 are part of the airbag module itself and are not in and of themselves a bracket used to attach an airbag module to a structural component of the vehicle, as claimed in the present application. In support of this, reference is made to the additional reference cited by the examiner, U.S. Patent No. 5,533,747 to Rose ("Rose"). The airbag module of Rose includes end plates 14, 16 (similar to the end caps 16 of Bittinger) that are secured to an inflator housing 10, which is a cylindrical shaped extrusion extending between the two end plates (similar to the extrusion housing 18 of Bittinger). Thus, it is evident that the integral passenger restraint system 10 of Bittinger is the airbag module itself.

As specifically noted at the bottom of column 2 and carrying over into column 3 of Bittinger, the airbag module 10 is mounted so as to be independent of the structural component of the vehicle, namely the cross car beam 52. This is to allow for flexibility in assembly of the airbag module into the vehicle. The instrument panel 12 of Bittinger is not a structural component of the vehicle in that the instrument panel 12 and the integral passenger restraint system 10 are assembled with the motor vehicle independent of the cross car beam 52. Accordingly, it is submitted

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that Bittinger fails to disclose a "bracket" that connects the Bittinger airbag module to a structural member of the automotive vehicle. At best, the struts 56 of Bittinger mount the airbag module to a non-structural component, the instrument panel 12, of the vehicle. However, the struts 56 themselves lack the at least one hole separate from the first and second end portions thereof (first end portion of the strut being connected to the end cap 16 of the airbag module and the second end portion being connected to the instrument panel 12, which, as previously noted, is not a structural member of the vehicle).

In view of the above, it is submitted that claim 1 is patentably distinguishable from the cited reference and that the rejection under § 102 should be withdrawn.

*Claim Rejections - 35 U.S.C. §103(a)*

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bittinger in view of Rose. Since claims 3 and 4 depend either directly or indirectly from independent claim 1, these dependent claims are allowable at least for the same reasons as claim 1. Allowance of these claims is therefore respectfully requested.

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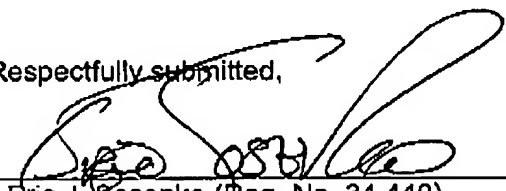
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*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Attachment: None

EJS/alr